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10/757,429

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Dan Forsberg

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EXAMINER

BAROT, BHARAT

ART UNIT

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MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,429	Applicant(s) FORSBERG, DAN	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 36-59 is/are pending in the application.
- 4a) Of the above claim(s) 36-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 46-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/02/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO ELECTION/RESTRICTION RESPONSE AND AMENDMENT

1. Applicants' Election/Restriction response and amendment filed on February 29, 2008 have been received and considered but they are not deemed to be persuasive for the Election/Restriction of the claims 1-59. The restriction is respectfully maintained as set forth in the last Office Action mailed on February 07, 2008.

DETAILED ACTION

2. Claims 1-21 and 46-59 remain for further examination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 46-59 are rejected under 35 U.S.C. 101 because the claimed inventions of the claims 46-59 are directed to non-statutory subject matter. Claim 46 recite a computer program comprising code adapted to perform the steps when executed on a data-processing system are non-statutory as not being tangible embodied in computer readable media and execute in a computer or by a computer are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 and 46-59 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Evans (U.S. Patent No. 7,308,506) in view of Mikkonen et al (U.S. Patent No. 6,501,741).

7. As to claim 1, Evans teaches a method, comprising: obtaining at least one home address for a first node; informing an address of said first node to at least one of a third node and a content source node; providing at least a first flow from said content source node to said first node; informing an address of said second node and said at least one home address to at least one of said third node and said content source node; and transmitting at least said first flow to a second node by at least one of said third node and said content source node (figures 4-5 and 10-11; column 5 lines 7-33; and column 7 line 4 to column 8 line 61).

However, Evans does not teach that detecting a need to move at least a first flow from a first node to a second node.

Mikkonen et al teach that providing at least a first flow from a content source node to a first node; detecting a need to move at least said first flow from said first node to a second node; and transmitting at least said first flow to said second node by at least one of a third node and a content source node (figures 1a, 2, and 6; column 3 lines 5-45; and column 10 line 28 to column 11 line 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mikkonen et al stated above with the method of Evans because it would have maximized utilization of the communication network; and improved efficient usage of the communication network and control over active data transmission flows.

8. As to claims 2-3, Evans teaches that the first and second nodes are interface units associated with a single physical electronic device and/or separate electronic devices (figures 1 and 9).

9. As to claims 4-5, Mikkonen et al teach that the first node is served by a first access network and the second node is served by a second access network, wherein one of the first access network and the second access network is one of a wireless local area network, a General Packet Radio Service (GPRS) network and a Universal Mobile Telecommunications (UMTS) network (figures 4-5; and column 8 line 40 to column 10 line 27).

10. As to claims 6-9, Mikkonen et al teach that the transferring a context associated with at least the first flow from the first node to the second node, wherein the transferring of the context is performed using a point-to-point radio link and a multi-node network; and a part of the context is transferred via a point-to-point link and another part of the context is transferred via a multi-node network (figures 4-5; and column 8 line 40 to column 10 line 27).

11. As to claim 10, Mikkonen et al teach that the filtering of packets addressed to the at least one home address in at least one of the third node and the content source node based on flow labels indicated in packets (figures 1b and 2; column 1 line 49 to column 2 line 7; and column 3 lines 5-45).

12. As to claims 11-17, Mikkonen et al teach that the at least one of the third node and the content source node continues transmitting at least the first flow to the first node while transmitting at least the first flow to the second node, wherein the need to move at least the first flow is detected based on a proximity of the first node and the second node and detected by the first node or the second node; the proximity of the first and second node is detected using a point-to-point radio link; and the first/second node asks permission from the second/first node to move at least the first flow to the second/first node (see abstract; figures 1a, 2, and 6; column 3 lines 5-45; and column 10 line 28 to column 11 line 64).

13. As to claims 18-19, Evans teaches that the informing of the address of the second node and the at least one home address to the third node is performed by the first node and/or by the second node (figures 4-5 and 10-11; column 5 lines 7-33; and column 7 line 4 to column 8 line 61).

14. As to claim 20, Evans teaches that the deriving a second key from a first key shared by the first node and the third node; and authenticating the informing of addresses from the second node to the third node using the second key (figures 4-7; and column 5 lines 7-62).

15. As to claim 21, Mikkonen et al teach that the communication network is an IP network (figures 3-5; column 2 lines 26-54; and column 4 lines 3-40).

16. As to claims 46-59, they are also rejected for the same reasons set forth to rejecting claims 1-21 above, since claims 46-59 are merely a computer program for the method of the operations defined in the method claims 1-21 and claims 46-59 contain similar limitations rejected in the claims 1-21.

Additional Reference

17. The examiner as of general interest cites the following reference.

a. Ahmed et al, U.S. Patent No. 6,947,398.

Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

May 15, 2008